

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

In re:	)	Case No. 19-30607
	)	
RACHEL MARIE GEORGIN,	)	Chapter 7
	)	
Debtor.	)	Judge Humphrey
_____	)	

**UNITED STATES TRUSTEE’S MOTION FOR EXTENSION OF TIME  
TO FILE A MOTION UNDER 11 U.S.C. § 707(b) AND/OR COMPLAINT UNDER § 727**

The United States Trustee (“U.S. Trustee”) requests this Court grant an extension of time by approximately 60 days to timely file a motion to dismiss in the above case under 11 U.S.C. § 707(b) and/or to object to discharge under 11 U.S.C. § 727. The reason for this motion is set forth in the attached Memorandum in Support.

Dated: June 19, 2019

DANIEL M. MCDERMOTT  
UNITED STATES TRUSTEE FOR REGION 9

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### **MEMORANDUM IN SUPPORT**

The court may extend the date for filing a motion to dismiss under 11 U.S.C. § 707. FED. R. BANKR. P. 1017(e)(1). The court may also extend the date for filing a complaint objecting to discharge under § 727. FED. R. BANKR. P. 4004(b) and FED. R. BANKR. P. 4007(c).

This bankruptcy case was filed on February 28, 2019, under Chapter 7. Patricia J. Friesinger was appointed the Chapter 7 Trustee. The Meeting of Creditors was conducted on April 25, 2019. The last day to oppose discharge is June 24, 2019.

The U.S. Trustee is reviewing the bankruptcy filing for abuse within the meaning of 11 U.S.C. § 707(b) and/or discharge issues in accordance with 11 U.S.C. § 727. The U.S. Trustee is investigating the Debtor's potential to repay creditors. The Debtor voluntarily appeared for an examination conducted pursuant to FED. R. BANKR. P. 2004 by the U.S. Trustee on June 10, 2019. The U.S. Trustee requested additional information and documents regarding Debtor's household income, as well as information regarding the household size. These factors are currently undergoing some changes and require time before they are settled. The U.S. Trustee will thus need time to review and evaluate the documents and/or information once received.

The 60-day deadline found in FED. R. BANKR. P. 4004 and 4007 is in place to further "two important bankruptcy policies: (1) the prompt administration of bankruptcy cases, and (2) the fresh start goal of bankruptcy relief."<sup>1</sup> This deadline is not absolute, and hinges on the moving party establishing "cause."<sup>2</sup> In the Sixth Circuit, discretion is given to the bankruptcy courts to determine the definition of "cause" on a case-by-case basis, but there is precedent that suggests the threshold for granting such motions should be set low.<sup>3</sup>

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<sup>1</sup> *In re Sheppard*, 532 B.R. 672, 676 (Bankr. 6<sup>th</sup> Cir. 2015).

<sup>2</sup> *Id.* at 677.

<sup>3</sup> *Id.* citing *Brady v. McAllister (In re Brady)*, 101 F.3d 1165, 1171 (6<sup>th</sup> Cir. 1996).

Good cause has been shown in this motion in that the U.S. Trustee awaits further information and will also need sufficient time to determine whether grounds exist to file a motion to dismiss under 11 U.S.C. § 707(b) or a complaint to deny the discharge under 11 U.S.C. § 727. Finally, this is the first extension of time requested by the U.S. Trustee in this case and was discussed with the Debtor and her counsel during the Rule 2004 Examination with no apparent objections.

Accordingly, an extension of the deadline to timely file a motion to dismiss in the above case under 11 U.S.C. § 707(b) and/or to object to discharge under 11 U.S.C. § 727 is warranted.

WHEREFORE, the U.S. Trustee hereby requests an extension to timely file a motion under 11 U.S.C. § 707(b) and/or to object to discharge under 11 U.S.C. § 727 until **August 30, 2019**.

Dated: June 19, 2019

DANIEL M. MCDERMOTT  
UNITED STATES TRUSTEE FOR REGION 9

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**CERTIFICATE OF SERVICE**

I hereby certify that on or about June 19, 2019, a copy of the foregoing UNITED STATES TRUSTEE'S MOTION FOR EXTENSION OF TIME TO FILE A MOTION UNDER 11 U.S.C. § 707(b) AND/OR COMPLAINT UNDER § 727 was served (i) electronically on the date of filing through the court's ECF System on all ECF participants registered in this case at the email address registered with the court and (ii) on the following by ordinary U.S. Mail addressed to:

Rachel Marie Georgin  
1109 Carrington Place  
Maineville, OH 45039

Cynthia Sue Daugherty  
8686 Winton Road  
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/s/ Jeremy Shane Flannery  
Jeremy Shane Flannery